

# CHAPTER 1

## TITLE, PURPOSE AND APPLICABILITY

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### 1.1 TITLE

The Ordinance codified in this Title shall be known, cited and referred to as the Village of Barrington Zoning Ordinance.

### 1.2 PURPOSE AND INTENT

The Ordinance codified in this Title is adopted:

- A. To promote the orderly, sensible and beneficial development and growth of the Village of Barrington in accordance with the Village's Official Comprehensive Plan.
- B. To promote the public health, safety, morals, comfort and general welfare of the citizens of the Village of Barrington.
- C. To protect the character and stability of environmentally sensitive areas, residential, business and industrial areas.
- D. To provide for orderly and sensible growth and development which is beneficial to the Village.
- E. To afford adequate facilities for the safe, convenient and efficient means for the traffic circulation of its population.
- F. To provide adequate light, air, privacy and convenience of access to property.
- G. To divide the Village of Barrington into districts of such number, shape and area, and of such different classes, according to the use of land and buildings and the intensity of such use, as may be deemed best suited to carry out the purposes of this Ordinance.
- H. To prohibit locations and uses of buildings or structures and uses of land that are incompatible with the type of development planned for specified zoning districts in the Village of Barrington.

- I.** To regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other uses, and to regulate and restrict the intensity of such uses.
- J.** To prevent additions and alterations to, or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed.
- K.** To protect against fire, explosions, noxious fumes and other dangers.
- L.** To fix reasonable standards to which buildings and structures shall conform.
- M.** To provide for the gradual elimination of those uses that would not now be permitted in the districts in which they are located and are adversely affecting the orderly, sensible and beneficial development of the Village of Barrington.
- N.** To define the limit, powers and duties of administrative officers and bodies as provided herein.
- O.** To prescribe penalties for the violation, and methods for the enforcement, of the provisions of this Ordinance or any amendment thereto.

### **1.3 APPLICABILITY**

All development or actions within the Village specified in Subsection 1.3(A) shall fully comply with the terms of this Ordinance. Developments exempted are listed in Section 1.4.

#### **A. Territorial Application**

This Zoning Ordinance shall apply to all land, uses, buildings, and structures within the Village of Barrington.

#### **B. General Application**

After the effective date of this Ordinance, all subdivision of land, buildings, structures and uses of land erected, remodeled, altered, or relocated, and all public improvements must comply with the provision of this Ordinance. Existing buildings, structures, and uses of land that do not comply with the regulations of the Zoning Ordinance are subject to Chapter 10, Nonconformity.

#### **C. General Prohibition**

No buildings, structures, or use of land, and no lot of record or zoning lot existing, or hereafter established, shall be established, altered, moved, divided or maintained except in accordance with the provisions of the Zoning Ordinance.

#### **D. Private Agreements**

This Zoning Ordinance is not intended to nullify any private agreements, provided that where there is a conflict between such private agreement and the Zoning Ordinance and the Zoning Ordinance is more restrictive, the Zoning Ordinance shall control.

#### **E. Other Laws and Regulations**

Unless otherwise specifically provided, the Zoning Ordinance shall control over less restrictive statutes, ordinances, or regulations, and more restrictive statutes, ordinances, or regulations will control over the provisions of the Zoning Ordinance.

### **1.4 TRANSITION RULES**

In determining the applicability of this Ordinance with respect to the previously applicable zoning regulations, the following rules shall apply.

#### **A. Existing Unlawful Uses and Structures**

A structure or use not lawfully existing at the time of the adoption of this Ordinance is hereby deemed lawful as of the effective date of this Ordinance provided that it conforms with all of the requirements of this Ordinance. However, if such structure or use does not conform with all of the requirements of this Ordinance, such structure or use remains unlawful hereunder.

#### **B. Existing Permitted Uses**

When a lot is used for a purpose that was classified as a permitted use prior to the effective date of this Ordinance, and such use is classified as a “special use” by this Ordinance, such use is hereby deemed a lawful special use for the purpose of this Ordinance. Any alteration or expansion of such use shall conform to the requirements for special uses in Chapter 3 of this Ordinance.

#### **C. Principal Uses Rendered Nonconforming**

When a lot is used for a purpose which was a lawful use before the effective date of this Ordinance and this Ordinance, or any amendment thereto, no longer classifies such use as either a permitted use or special use in the zoning district in which it is located, such use is hereby deemed a legal nonconforming use and shall be controlled by the provisions of Chapter 10, Nonconformity.

#### **D. Principal Buildings, Structures and Lots Rendered Nonconforming**

Where any lawful principal building, structure or lot existing on the effective date of this Ordinance does not meet all standards set forth in this Ordinance, or any amendment thereto, such building, structure or lot is hereby deemed nonconforming and shall be controlled by the provisions of Chapter 10, Nonconformity.

#### **E. Accessory Uses, Structures, and Buildings Rendered Nonconforming**

When any lawful accessory building, structure or use existing on the effective date of this Ordinance does not meet all standards set forth in this Ordinance, or any amendment thereto, such building, structure, or use is hereby deemed nonconforming and shall be controlled by the provisions of Chapter 10, Nonconformity, except for signs, which shall be governed by the regulations of Chapter 4.

#### **F. Previously Issued Building Permits**

When a building permit for a building or structure has been lawfully issued prior to the effective date of this Ordinance, and when construction has begun within six (6) months

of the issuance of such permit and is being diligently pursued to completion, the building or structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under a certificate of occupancy for the use originally intended, subject to the provisions of Chapter 4 governing off-street parking and loading.

#### **G. Repeal, Previously Granted Variations and Special Uses and Savings Clause**

The Zoning Ordinance of the Village of Barrington, Cook and Lake Counties, Illinois, Ordinance No. 931 adopted on June 27, 1966 and as amended thereafter from time to time (sometime hereinafter collectively referred to as "Ordinance No. 931, as amended") is hereby repealed; provided, however, notwithstanding the foregoing or anything else contained in this Zoning Ordinance to the contrary, the repeal of Ordinance No. 931, as amended, shall not affect:

1. Any variations and special uses granted on or before the effective date of this Zoning Ordinance all of which shall remain in full force and effect and are not repealed;
2. Any punishment, penalty or action based on Ordinance No. 931, as amended incurred or which occurred before the effective date of this Zoning Ordinance and the said Ordinance No. 931, as amended shall continue in full force and effect for said limited purpose;
3. Any suit, prosecution or proceeding pending at the time of the effective date of this Zoning Ordinance or any offense committed or cause of action arising before the effective date of this Zoning Ordinance and the said Ordinance No. 931, as amended shall continue in full force and effect for said limited purpose; and
4. Any cause of action arising before the effective date of this Zoning Ordinance and the said Ordinance No. 931, as amended shall continue in full force and effect for said limited purpose.

#### **1.5 SEVERABILITY**

If any of the provisions of this Zoning Ordinance are declared invalid, the other provisions shall remain in full force and effect.

#### **1.6 EFFECTIVE DATE**

The effective date of this Ordinance is the date of adoption by the Barrington Village Board, this date being March 19, 2001.